

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department - Revision Petition filed by Smt Konkati Anasurya W/o Ramaiah and one another R/o Ashoknagar (v) Kanapur (M) Warnagal District, against the orders of Additional Agent to Government, Eturunagaram, Warangal District in case no LTR /Appeal/3/05 dt 28.02.06- Rejected - Orders - Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 11

Dated: 18-01-2019,
Read the following:-

- 1) Additional Agent to Government & Project Officer, ITDA, Eturunagaram, Warangal District LTR/Appeal/3/2005,Dt:28.02.2006.
 - 2) Revision Petition filed by Smt Konkati Anasurya W/o Ramaiah and one another R/o Ashoknagar (v) Kanapur (M) Warnagal District, Dt:17.04.2006.
 - 3) Govt.Memo.No.4189/TW.LTR.2/2006, Dt:22.06.2006.
 - 4) From the Project Officer, ITDA, Eturunagaram, Waranagal District. Lr.Rc. No.A /LTR /2022/2005, Date:07.07.2006.
 - 5) Govt.Letter.No.4189/TW.LTR.2/2006, Dt:12.09.2008.
 - 6) From the P.O. ITDA, Eturunagaram, Waranagal District. Lr.Rc. No.A /LTR SDC/TW/2022/2005, Date:03.01.2009.
 - 7) Govt.Memo & Letter.No.4189/TW.LTR.2/2006, Dt:06.05.2010, 16.01.2015,15.06.2017, 29.08.2017,09.02.2018, 19.04.2018 & 06.06.2018.
- 0o0-

ORDER

In the reference 2nd read above, Smt Konkati Anasurya W/o Ramaiah and one another residents of Ashoknagar (V) Kanapur (M) Warnagal District have filed Revision Petition through their Counsel before the Government aggrieved by the orders of the Additional Agent to Government, Eturunagaram, Warangal District in case no LTR /Appeal/3/05 dt 28.02.06 issued in respect of the land to an extent of Ac.2-00 gts in Sy.No.117/1/361, Situated at Rajupet Village, Narsampet Mandal, Warangal District.

2. In the reference 3rd read above, Government have granted Stay on the orders of Additional Agent to Government & Project Officer, ITDA, Eturunagaram, Warangal District and the Collector, Warangal and the Project Officer & Additional Agent to Government, Warangal District were requested to furnish Para Wise Remarks and connected case records and in the reference 4th & 6th cited the Additional Agent to Government, Eturunagaram, Warangal District has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the case furnished by the Petitioners are as follows:

- The orders passed by the both the Courts are bad in law and contrary to the material on record.
- The order passed by the Lower Appellate Court is liable to be set aside on the ground of violation of principles of natural justice as no reasons were assigned in dismissing the Appeal.
- The Lower Appellate Court below failed to appreciate the grounds raised in the Appeal. The Lower Appellate Court did not decide the case on its merits and no reasons of whatsoever nature were assigned in dismissing the Appeal.
- The Court below ought to have seen that the petitioner has raised specific grounds in the Grounds of appeal stating inter-alia that the provisions of Regulation (1) of 1959 has no application since the land where the rice mill was constructed is not located in the schedule area.
- Further the Courts below ought to have seen that there is no transfer of land attract the provisions of Sec.3 of Regulation 1 of 1959. As such the proceedings initiated by the original authority viz., the 1st respondent (SDC(TW), Eturunagaram) is liable to be set aside. Even if it is assumed that

[Contd...2]

::2::

there was a transfer that was effected prior to 1970. As such the provisions of Sec.3 of Regulation 1 of 1959 has no application.

- Both the courts erred in appreciating the material on record and also failed to appreciate the contentions/Grounds raised by the Petitioner and erroneously passed by the ejectment order.

4 The remarks of the Additional Agent to Government and the Project Officer, ITDA, Eturunagaram, Warangal District on the Revision Petition are as follows:

- In accordance with the Government orders, the industries setup in scheduled area, the benefit will be extended only to the scheduled tribes. In accordance with the provision of LTR 1959 as amended in 1970 section 3(1), the both the courts below passed orders which is not bad in law and contrary to the material on record.
- The Petitioner approached to the appellant authority i.e., respondent No.2 (AAG, Eturunagaram). The appellate authority disposed the appeal after giving a reasonable opportunity, in accordance with the provision of LTR 1959 as amended in 1970 section 3(1), dismissed and the authority of the passing order and stay appeal does not arise.
- The Lower Appellate Court decided the case on its demerits as long as their petition is contrary to the regulations, they do not have any valid right or title to continue in the possession of land.
- The subject matter of the case situated in Scheduled Areas as such except the tribals, the non-tribals have no right to be in possession of the land as per section 3(1) (A) (APSALT) Regulation Act 1 (1959) as amended by act 1/1970.
- Section 2(g) of Andhra Pradesh Scheduled Area Land Transfer Regulation 1959 as amended in 1970 transfer means Mortgage with or without possession, lease, sale, gift exchange or any other dealing with the immovable property. Not being a testamentary disposition and includes a change on such property or a contract relating to such property in respect of such mortgage, lease, sale gift exchange or other dealing.
- The Honourable Supreme Court in its Civil Appeal number 4601 and 4602 of 1997 with Civil Appeal number 4603 of 1997 decided on 11-7-1997 in “Samatha V/s State of A.P and others” clarified the word person denoted in Section 3(1) of regulations includes the State Government. The State Government also stands to prohibit to transfer by way of lease or any form known to law.
- Therefore the petitioners violated the Land Transfer Regulation rules in force.
- The Special Deputy Collector(TW), Eturunagaram after due enquiry decided that the Petitioners have violated the provision of Section 3(1) (b) and (4) of Regulation 1 of 1959 as amended in 1970, the Lower Appellate authority also upheld the order of the Special Deputy Collector(TW), Eturunagaram.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, observed that:

- Perused the entire case records, wherein orders passed by the Lower Court, the appellate authority and also the grounds urged by the Petitioners in the Revision Petition., and did not see any valid (or) substantiating grounds in the Revision Petition.
- Further the Revision Petitioner purchased the land from the assignees through Sada Sale deed and constructed Rice Mill. Establishment of Industry in assigned land allotted for agriculture is also a violation.

[Contd...3]

::3::

6. Government therefore after careful examination of the matter hereby rejects the Revision Petition filed by Smt Konkati Anasurya, W/o Ramaiah and others R/o Ashoknagar (v), Kanapur (M), Warnagal District and upholds the orders of Additional Agent to Government, Eturunagaram, Warangal District in case no LTR /Appeal/3/05 dt 28.02.06 issued in respect of that land to an extent of Ac.2-00 gts in Sy.No.117/1/361, Situated at Rajupet Village, Narsampet Mandal, Warangal District.

7. The Additional Agent to Government and Project Officer, ITDA, Warangal District shall take necessary further action accordingly. The original case records received in the reference 4th & 6th read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To

Smt Konkati Anasurya W/o Ramaiah

R/o Ashoknagar (v) Kanapur (M) Warnagal District.

M/s Ramakrishna Binni Modern Rice Mill &

Ramakrishna Industries, rep.by Mittapelli Jagga Rao,

S/o Rama Rao, R/o Ashok Nagar Village, Khanapur Mandal, Warangal District.

The Project Officer, ITDA and Additional Agent to Government,
Eturunagaram, Warangal District (w.e.)

Copy to :

The Collector, Warangal District for information.

The Special Deputy Collector(TW Eturunagaram, Warangal District.
for information and necessary action.

The Mandal Revenue Officer,
Narsampet, Warangal District.

Mr.A.Prabhakar Rao, Advocate,

Seetha Towers, Street No.10, Himayathnagar, Hyderabad.

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER//

SECTION OFFICER